

of Dallas, Tex., stood as the defender of the Legislative branch of government against encroachments from the Judiciary.

On the House floor Monday afternoon, a fellow congressman whispered to Pool the surprising news that a federal judge had just issued a temporary injunction forbidding him to hold hearings by his subcommittee of the House Un-American Activities Committee.

The hearings were scheduled to begin at 10 a.m. Tuesday. They were to center on a Pool bill designed to level criminal penalties against persons giving aid to hostile powers, interfering with troop movements or distributing propaganda affecting troop morale in a period of undeclared war. For the hearings, the subcommittee had subpoenaed a number of witnesses, including 13 anti-war, anti-HUAC members of groups associated with the New Left.

Given Ovation

Pool checked the wire service ticker to confirm the story, and conferred with House Speaker McCormack. He then announced his intention to hold the hearings anyway, even if he were jailed. His embattled colleagues in the House gave Pool a standing ovation.

The almost unprecedented judicial decision was that of District Court Judge Howard Corcoran, ruling in a suit filed in behalf of the young radicals by the American Civil Liberties Union.

The ACLU, itself an old battler of the Un-American Activities Committee, contended the law creating HUAC is unconstitutional and that the 13 subpoenas in the present investigation had a "chilling effect" on the First Amend-

UN-AMERICAN

For one shining moment last week, rotund, gray-haired, 55-year-old Rep. Joe R. Pool, a Democrat

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ment rights of all persons who may dissent from the administration's policies in Viet Nam.

Judge Corcoran in effect agreed with ACLU lawyers who said if he found the suit not "patently frivolous" he should issue a temporary restraining order and call for a special three-judge federal tribunal to rule on the constitutional questions.

As it turned out, Rep. Pool's rush to the battlements was made largely unnecessary by subsequent developments in the enemy camp. The special three-judge panel appointed by Chief Judge David Bazelon of the U. S. Court of Appeals, and consisting of himself, Judge Corcoran and another, concluded unanimously that no "irreparable injury" would result if the hearing went on as scheduled. This ruling came just a few minutes before the hearing got

under way.

Fizzled Out

And a second ruling of the three-judge panel indicated that, perhaps, the judges were having second thoughts about getting into the mess in the first place. On Wednesday, three hours before the session on constitutional issues began, the court issued 75 somewhat ambiguous words ordering a postponement of its hearing "until further order of this court."

The judges may have become more interested in another constitutional issue, that of the separation of powers, and other crucial questions such as how the court would enforce an order calling for an end to hearings deemed essential by Congress. Some ACLU lawyers, however, were still hopeful the matter would reach the Supreme Court.

At any rate, what started out as a dramatic surprise and a clearcut confrontation between the Legislative and Judicial branches ended in an ambiguous fizzle.

Summer Circus

This left the HUAC hearing itself at center stage, and the four raucous days which followed were a continuous, boisterous, usually preposterous and rarely pertinent circus, a kind of midsummer madness which seems to be the specialty of HUAC and its arch enemies on the left whenever they meet face to face.

The main action took place in the Caucus Room in the Cannon Office Building, with its Corinthian pilasters, threadbare carpets and enormous glass chandeliers. With an audience which fluctuated between pro-HUAC people—mainly congressional staffers and secretaries and pro-radical people—the hostile witnesses and their well-organized friends—the antagonists went about their business of shouting at each other.

Standing by were a large force of U. S. marshals, Capitol policemen, and, outside the building, District policemen with motorcycles and paddy wagons. Three of the four days of hearings were mainly taken up with insult trading between the audience and the congressmen.

Attorney Convicted

Frequently the doors to the committee room would burst open as another demonstrator was pushed, pulled, and dragged by police into the crowded corridors, downstairs and into waiting police vans.

More than 50 persons were thus

arrested for disorderly conduct. One was Arthur Kinoy, ACLU lawyer on hand to represent a subpoenaed witness.

Kinoy, defended by a battery of eight civil liberties attorneys, was later found guilty in the D. C. Court of General Sessions of disorderly conduct. The lawyers filed an appeal.